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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,972	08/20/2001	Philip Hawkes	010497	7964

23696 7590 11/24/2004

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

SIMITOSKI, MICHAEL J

ART UNIT PAPER NUMBER

2134

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/933,972		HAWKES ET AL.	
	Examiner		Art Unit	
	Michael J Simitoski		2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/20/01, 8/5/02</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS 1449 6/16/03 & 3/8/04</u> . |

DETAILED ACTION

1. The IDS of 8/20/01, 8/5/02, 6/16/03 & 3/8/04 were received and considered.
2. Claims 1-24 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 10-11, 13-16 & 18-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,690,795 to Richards.

Regarding claims 1, 11, 13 & 22-24, Richards discloses determining a registration key/customer code specific to a participant in a transmission (col. 7, lines 2-7), determining a first key/PK, encrypting the first key/PK with the registration key/customer code, determining a second key/SK, encrypting the second key/SK with the first key/PK (col. 9, lines 12-32) and updating the first and second keys (col. 9, lines 25-51 & Fig. 10).

Regarding claims 2, 3 & 14, Richards discloses updating the first key/PK according to a first time period and updating the second key/SK according to a second time period, wherein the first time period is less than the first time period (Fig. 10).

Regarding claim 4, Richards discloses encrypting a broadcast stream of information/content using the second key/SK and transmitting the encrypted broadcast stream of information/content (col. 9, lines 25-39).

Regarding claim 5, Richards discloses video information (col. 2, lines 39-59).

Regarding claim 10, Richards discloses transmitting the encrypted first key/PK and transmitting the encrypted second key/SK (col. 9, line 58 – col. 10, line 5).

Regarding claims 15 & 16, Richards discloses a receive circuitry/set-top box (col. 2, lines 63-66), a user identification unit/set-top box (col. 4, lines 55-62), operative to recover a short-time key/SK for decrypting a broadcast message/content (col. 9, lines 11-33), comprising a processing unit/decryption hardware to decrypt key information (col. 9, lines 11-33) and a mobile equipment unit/decryption hardware adapted to apply the short-time key for decrypting the broadcast message/content (col. 4, lines 55-62 & col. 9, lines 11-33).

Regarding claim 18, Richards discloses the memory storage unit storing a broadcast access key/PK and wherein the processing unit decrypts the short-time key/SK using the broadcast access key/PK (col. 5, lines 45-64 & col. 9, lines 56-63).

Regarding claim 19, Richards discloses the short-time key/SK being updated at a first frequency (col. 9, lines 32-36).

Regarding claim 20, Richards discloses the broadcast access key/PK being updated at a second frequency less than the first frequency (Figs. 9 & 10).

Regarding claim 21, Richards discloses a video service (col. 2, lines 39-55).

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richards, as applied to claim 4 above, in further view of "FOLDOC, Free On-Line Dictionary Of Computing" by LinuxGuruz. Richards discloses using the system for distributing information on computer networks, but lacks specifically Internet Protocol packets. However, LinuxGuruz teaches that Internet Protocol packets are widely used on Ethernet networks for packet routing (§Internet Protocol). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to broadcast Internet Protocol packets. One of ordinary skill in the art would have been motivated to perform such a modification because Internet Protocol packets are used on Ethernet networks, as taught by LinuxGuruz (§Internet Protocol).

7. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards, as applied to claim 3 above, in further view of Applied Cryptography, Second Edition by Schneier.

Regarding claim 7, Richards lacks calculating a registration key information message and transmitting the registration key information message. However, Schneier teaches that no encryption key should be used for an indefinite period (p. 183, §8.10) and should be replaced (p. 184, ¶3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to update the registration key and hence calculate a registration key information message and transmit the registration key information message. One of ordinary

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skill in the art would have been motivated to perform such a modification to update the registration key, as taught by Schneier (pp. 183-184).

Regarding claim 8, Richards discloses calculating a first key/PK information message/new encrypted key and transmitting the first key information message (col. 10, lines 1-5).

Regarding claim 9, Richards discloses calculating a second key/PK information message/new encrypted key and transmitting the second key information message (col. 9, lines 58-62).

8. Claims 12 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards, as applied to claims 11 & 15 above, in further view of U.S. Patent 6,073,122 to Wool. Richards discloses storing the second key/SK in a memory storage unit (col. 5, lines 60-63), but lacks the first key stored in secure memory storage unit. However, Wool teaches that set-top boxes often contain secure memory to minimize piracy of encryption keys stored (col. 1, lines 44-52). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store the first key in a secure memory storage unit. One of ordinary skill in the art would have been motivated to perform such a modification to minimize piracy of encryption keys stored, as taught by Wool (col. 1, lines 44-52).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841.

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The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. - 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached at (571) 272-3838.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

Or faxed to:

(703)746-7239 (for formal communications intended for entry)

Or:

(571)273-3841 (Examiner's fax, for informal or draft communications, please label "PROPOSED" or "DRAFT")

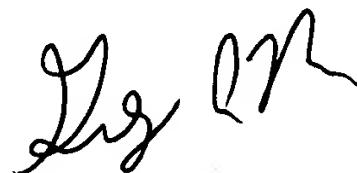
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MJS

November 18, 2004



GREGORY MORSE
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